

E-Filed 11/19/15

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ALAN BRINKER,
Plaintiff,

v.

NORMANDIN'S, et al.,
Defendants.

Case No. 14-cv-03007-EJD (HRL)

**ORDER ON DISCOVERY DISPUTE
JOINT REPORT 2**

Re: Dkt. No. 61

Alan Brinker (“Brinker”) sues Normandin d/b/a Normandin Chrysler Jeep Dodge Ram (“Normandin”) and OneCommand, Inc. (“OneCommand”) in this class-action for alleged violations of the Telephone Consumer Protection Act, 47 U.S.C. §§ 227 *et seq.* Normandin requested an amendment to the stipulated protective order that governs this case. Brinker rejected that request and ultimately the parties filed discovery dispute joint report (“DDJR”) 2.

Normandin claims it may become liable under the privacy requirements of the Gramm-Leach-Bliley Act (“GLBA”), 15 U.S.C. §§ 6801 *et seq.*, unless the protective order is amended to require consent from all parties and from the court before any party may contact one of Normandin’s current or former customers. Dkt. No. 61 at 5-6. OneCommand does not take a position in DDJR 2. Dkt. No. 61 at 5. Brinker argues an amendment is unnecessary because the GLBA’s privacy requirements do not apply when information is disclosed in response “to judicial process[.]” Dkt. No. 61 at 3-4.

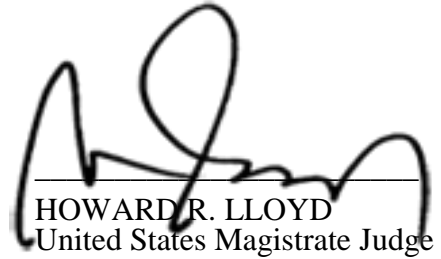
Brinker is clearly correct. The GLBA’s privacy requirements contain exceptions for disclosures that comply with the requirements of other “[f]ederal . . . laws” and for disclosures responsive to “judicial process[.]” 15 U.S.C. § 6801(e)(8). Disclosures made in the course of federal civil discovery are both required by federal law and responsive to judicial process. *Accord Sohal v. Federal Home Loan Mortg. Corp.*, No. C 11-1941 JSW, 2012 WL 4113721 at 3 (N.D.

1 Cal. Sept. 18, 2012) (rejecting the argument that GLBA's privacy requirements apply in the
2 context of court proceedings). The onerous protective order amendment requested by Normandin
3 would therefore serve no valid purpose.

4 The request for amendment of the protective order is denied.

5 **IT IS SO ORDERED.**

6 Dated: 11/19/15

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HOWARD R. LLOYD
United States Magistrate Judge